

REMARKS

Reconsideration and allowance of the present application are respectfully requested in light of the following remarks. Claims 1-3, 6-17, 19 and 21-24 are pending in this application. By this Request, no claims are added, amended, or cancelled. Claims 1 and 14 are the independent claims.

Examiner Interview

Applicants thank the Examiner for granting the telephone interview conducted on September 9, 2009. During the interview, Applicants discussed the rejection to claim 1 under 35 U.S.C. §103(a) as being unpatentable over Parantainer et al. (U.S. Patent No. 7,092,373) in view of Derryberry et al. (U.S. Patent No. 7,356,005). Referring to the September 15, 2009 Interview Summary, the Examiner agreed that Derryberry does not teach ACK/NAK and rate control data being transmitted in the same time slot at the same time, which is in contrast to independent claims 1 and 14. Therefore, the Examiner agreed that the July 13, 2009 Final Office Action will be withdrawn. Applicants request that the Examiner issue a Notice of Allowance in the next USPTO communication.

Rejections under 35 U.S.C. §103

The Examiner has rejected claims 1-3 and 14-17 under 35 U.S.C. §103(a) as being unpatentable over Parantainer (U.S. Patent No. 7,092,373, hereinafter "Parantainer") in view of Derryberry et al. (U.S. Patent No. 7,356,005, hereinafter "Derryberry"). Applicants respectfully traverse this rejection for the reasons detailed below.

As discussed during the interview, the Examiner agreed that Derryberry does not disclose or suggest the first and second indicators being within a same time slot. For example, FIG. 5 of Derryberry illustrates a 20ms timeframe that includes two ACK/NAK indicators and two rate grant control bits. In Derryberry, a slot is identified as 1.25ms. In other words, over a 20ms time frame two ACK/NAK indicators and two rate grant control bits are communicated. This does not disclose the features of claim 1 because the ACK/NAK indicator and rate grant control bit is not provided within a field. For instance, claim 1 defines that a timeslot include a plurality of fields, and each field includes control information data. A timeslot is defined in Derryberry is 1.25ms, which may include at most only one of an ACK/NACK indicator and rate grant control bit. As admitted by the Examiner, Parantainer fails to cure the deficiencies of Derryberry with respect to the above-identified features of claim 1. Independent claim 14 contains features similar to independent claim 1. Therefore, Derryberry and Parantainer, alone or in combination, cannot render claims 1 and 14 obvious to one of ordinary skill in the art. As such, Applicants respectfully request this rejection be withdrawn.

In addition, the Examiner has rejected claims 6, 7, 21 and 22 under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Derryberry, and further in view of Hunzinger (U.S. Patent No. 7,164,654), claims 8 and 19 under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Derryberry and Tiedemann (U.S. Patent No. 7,054,293), claims 9 and 23 under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Derryberry, and further in view of Gardner (U.S. Patent No. 7,146,174), claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Derryberry, and further in view of Tiedemann

(U.S. Patent No. 7,120,134), claim 12 under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Derryberry and Hunzinger, and further in view of Berger (U.S. Patent No. 6,504,821), and claims 13 and 24 under 35 U.S.C. §103(a) as being unpatentable over Parantainer in view of Derryberry and Proctor (U.S. Patent no. 7,218,623). These claims, dependent on claims 1 and 14, are patentable for at least the same reasons stated above. As such, Applicants respectfully request that these rejections be withdrawn.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

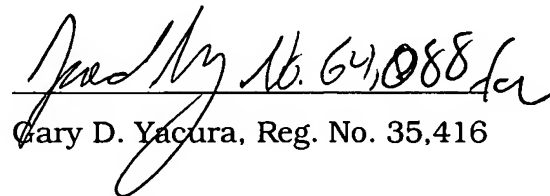
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By


Gary D. Yacura, Reg. No. 35,416

P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/JBS/gew